

REMARKS

By the above amendment, the patented status of the parent application has been inserted in the specification, noting that the patent number is U.S. Patent No. 6,664,738, which corresponds to the patent number listed by the Examiner on Form PTO-892, although that in the statement of the rejection of claims 1, 3-5 and 6 under the judicially created doctrine of obviousness-type double patenting, the Examiner apparently incorrectly identifies the parent patent as U.S. Patent No. 6,664,838. Furthermore, by the present amendment, in line 1 of claims 2-6, "A plasma" has been changed to --The plasma-- as suggested by the Examiner. Thus, the objection to claims 2-6 for the informalities noted, should be overcome.

The rejection of claims 1, 3-5 and 6 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4-6 and 13 respectively of U.S. Patent No. 6,664,838 B2, is apparently directed to the parent patent U.S. Patent No. 6,664,738. As recognized by the Examiner, such non-statutory double patenting rejection can be overcome by the filing of a Terminal Disclaimer. Without acquiescing in the propriety of the rejection as set forth, submitted herewith is a Terminal Disclaimer with respect to the parent patent U.S. Patent No. 6,664,738 and the appropriate fee therefor, and applicants submit that the obviousness-type double patenting rejection as set forth by the Examiner should now be overcome.

As to the Examiner's indication that claim 2 is objected and would be allowable if rewritten in independent form, applicants note that claim 2 has been retained in dependent form since, by the submission of the Terminal Disclaimer, claim 1 should now be in condition for allowance, and therefore claim 1 and its dependent claims 2-6 should now be in condition for allowance.

In view of the above amendments, remarks and the submission of the Terminal Disclaimer, applicants submit that this application should now be in

condition for allowance, and issuance of an action of a favorable nature is courteously solicited.

To the extent necessary, applicant's petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (500.41301CX1) and please credit any excess fees to such deposit account.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Melvin Kraus", written over a horizontal line.

Melvin Kraus

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